

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Informational Proceeding - Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law (2VAC 5-420)

Notice is hereby given that the Board of Agriculture and Consumer Services is considering amendments to the Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law (2 VAC 5-420) as adopted by the Board of Agriculture and Consumer Services on July 28, 1993. Pursuant to Va. Code § 59.1-153, the board is opening a 30-day informational proceeding on the regulation, which will begin on April 1, 2008, and will close on April 30, 2008, for the purposes of providing information to the public about the amendments and for receiving public comment. A final public meeting will be held by staff of the Virginia Department of Agriculture and Consumer Services (VDACS) on April 30, 2008, from 9 a.m. – 11 a.m., in Room 220 of the Oliver Hill Building, 102 Governor Street, Richmond, Virginia, for the purpose of collecting additional public comment on the amendments.

The Purpose of the Revisions. The U. S. Environmental Protection Agency's recently mandated phase-in of Renewable Fuel Standard Requirements increases the level of ethanol required to be added to gasoline distributed and sold in the United States. The new motor fuel blend will be phased in throughout Virginia in the spring of 2008. The testing specifications used by the VDACS are incompatible with the newly formulated gasoline blends containing higher levels of ethanol and need to be updated to allow for the soon to be introduced motor fuel blends.

Copies of the Amendments. A copy of the regulation which is currently in effect is available from the Regulatory Town Hall at www.townhall.virginia.gov, Department of Agriculture and Consumer Services, or on the Virginia Administrative Code website at <http://leg1.state.va.us/000/reg/TOC02005.HTM.HTM>. The draft of the proposed amendments is printed below and may be obtained from (1) the department's website at www.vdacs.virginia.gov; (2) Division of Consumer Protection, VDACS, 102 Governor Street, LL-44, P.O. Box 1163, Richmond, Virginia 23218; (3) the Regulatory Town Hall, Future Meetings, VDACS, April 30, 2008; and (4) the following VDACS offices:

Franklin Office

1100 Armory Drive, Apt. 120
Franklin, VA 23851-2418

Harrisonburg Regional Animal Health Laboratory
261 Mt. Clinton Pike
Harrisonburg, VA 22802

Ivor Regional Animal Health Laboratory
34591 General Mahone Blvd
Ivor, VA 23866

Lynchburg Regional Animal Health Laboratory
4832 Tyreeanna Rd
Lynchburg, VA 24504

Warrenton Regional Animal Health Laboratory
272 Academy Hill Rd
Warrenton, VA 20186

Wytheville Regional Animal Health Laboratory
250 Cassel Road
Wytheville, VA 24382

All written comments concerning the amendments to the regulation may be mailed to Andres Alvarez, Director, Division of Consumer Protection, P.O. Box 1163, Richmond, VA 23218, or comments may be submitted by email to andres.alvarez@vdacs.virginia.gov.

Proposed Amendments

2VAC5-420-30. Specifications for gasoline and diesel fuel.

A. Gasoline. Gasoline shall meet the requirements of the following specifications when tested in compliance with the latest version of the ~~American Society for Testing and Materials (ASTM)~~ ASTM International (formerly the American Society for Testing and Materials) Test Methods or other test methods specified below:

Specification	Test Method ASTM
1. Distillation.	D86
a. Percent evaporated during months of: January, February, November, and December at 50°C (122°F) Minimum	10%
March, April, May, September, and October at 55°C (131°F) Minimum	10%
June, July, and August at 70°C (158°F) Minimum	10%
b. Percent evaporated during months of: January, February, November, and December at 110°C (230°F) Minimum	50%
March, April, May, September, and October at 113°C (235°F) Minimum	50%
June, July, and August at 121°C (250°F) Minimum	50%
c. Percent evaporated during the months of: January, February, March, April, May, September, October, November, and December at 185°C (365°F) Minimum	90%
June, July, and August at 190°C (374°F) Minimum	90%
End point, maximum 225°C (437°F)	-
Residue, percent maximum	2%
2. a. Reid vapor pressure at 100°F, pounds per square inch (psi)	
Test Method ASTM D4953 or D5191 for both oxygenated or nonoxygenated fuels.	

~~Throughout the Commonwealth of Virginia, except for the nonattainment areas specified below during the period specified below, the Reid vapor pressure standard shall be:-~~

June 1 to September 15	9.0 psi.
September 16 to 30	13.5 psi.
Maximum during months of March, April, May and October	13.5 psi.
Maximum during months of November, December, January, and February	15.0 psi.

~~For the nonattainment areas specified in Section 3 A 2 (ii) below, the Reid vapor pressure standard shall be:-~~

Maximum during period:	-
June 1 to September 15	7.8psi.

~~b. The nonattainment areas referred to in subsection A 2 a of this section are:-~~

~~(1) The Northern Virginia nonattainment area which includes the counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and includes the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.~~

~~(2) The Richmond nonattainment area which includes the counties of Charles City, Chesterfield, Hanover, Henrico, and includes the cities of Colonial Heights, Hopewell, and Richmond.~~

~~(3) The Hampton Roads nonattainment area which includes the counties of James City, York, and includes the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.~~

~~The Reid vapor pressure values specified in subdivision A 2 of this section shall be increased one psi for gasoline-ethanol blends containing at least 9.0% but not more than 10% ethanol by volume.~~

~~c. Throughout the Commonwealth of Virginia, from May 1 to May 31 of each year, gasoline refiners, gasoline importers, gasoline pipeline operators, and gasoline terminal operators shall supply fuel with a maximum Reid vapor pressure standard of 9.0 psi.~~

- | | |
|---|---|
| 3. Undissolved water and sediment, percent by volume, maximum | 0.01% VDACS Method of Test ¹ |
| 4. Existent gum, 5 mg. per 100 ml., maximum | ASTM D381 |
| 5. The octane number shall not be more than one octane number below the octane number filed in connection with registration. | ASTM D2699 and D2700 |
| 6. Gasoline labeled as "unleaded," "no lead," or "lead free" shall not contain more than 0.05 grams lead per gallon and not more than 0.005 grams of phosphorus per gallon. | ASTM Lead: D3237
Phosphorus: D3231 |

¹The calculation for the V.D.A.C.S. Method of Test is as follows:

$$\frac{\text{Volume of water and/or sediment}}{\text{Total volume of sample}} \times 100 = \text{Water and/or Sediment}$$

~~B. Diesel fuel. Diesel fuel shall meet the requirements of the following specifications when tested in compliance with the latest version of the American Society for Testing and Materials Test Methods specified below:-~~

Specification	-	ASTM Method
1. Flash point, degrees F minimum	-	D93
(If registered and labeled as #1 Diesel)	100°F	-
(If registered and labeled as #2 Diesel)	125°F	-
2. Water and sediment, percent by volume, maximum	0.05%	D1796
3. Sulfur, percent by weight maximum	0.5%	D2622
		(D129 shall be the referee method)
4. Cetane number, minimum	40	D613
5. 90 percent distillation point, degrees, F maximum	640°F	D86
6. Corrosion – ASTM copper strip scale maximum	No. 3	D130
		3 hours at 50°C

ASTM D 4814, “Standard Specification for Automotive Spark Ignition Engine Fuel,” except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency. Gasoline blended with ethanol at concentrations up to 10 percent by volume shall be blended under any of the following three options:

1. The base gasoline used in such blends shall meet the requirements of ASTM D 4814 and the ethanol shall meet the requirements of ASTM D 4806, " Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel," with the following exceptions:

(i) The distillation minimum temperature at the 50 volume percent evaporated point shall not be less than 66°C (150 °F).

(ii) The minimum Test Temperature at which the Vapor/Liquid Ratio is equal to 20 shall be as follows for the applicable vapor lock protection class:

Class 1 shall be 51.5 °C (125 °F)

Class 2 shall be 59.0 °C (120 °F)

Class 3 shall be 45.0 °C (113 °F)

Class 4 shall be 41.5 °C (107 °F)

Class 5 shall be 37.0 °C (99 °F)

Class 6 shall be 35.0 °C (95 °F)

or

2. The blend shall meet the requirements of ASTM D 4814, or

3. The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of ASTM D 4814.

4. Undissolved water and sediment, percent by volume, maximum 0.01% as determined by Virginia Department of Agriculture and Consumer Services (VDACS) Method of Test. The calculation for the VDACS Method of Test is as follows:

Volume of water and/or sediment ÷ total volume of sample x 100 = Percent Water and/or Sediment

B. Blends of gasoline and ethanol shall meet the following vapor pressure requirements:

1. During the period between June 1 and September 15 of each calendar year, blends containing 9 percent ethanol by volume and a maximum of 10 percent ethanol by volume shall not exceed the ASTM D 4814 vapor pressure limits by more than 1.0 psi. All other blend concentrations shall meet the ASTM D 4814 vapor pressure limits.

2. During the period between September 16 and May 31 of each calendar year, all blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0 psi.

C. Diesel fuel. Diesel fuel shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils."

Agency Contact: Andres Alvarez, Director, Division of Consumer Protection, Department of Agriculture and Consumer Services, 102 Governor Street, LL-44, P.O. Box 1163, Richmond, Virginia 23218; telephone (804) 786-3523, email andres.alvarez@vdacs.virginia.gov.